UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois − CM/ECF LIVE, Ver 6.1.1
Eastern Division

Thomas Delaney, et al.
Plaintiff,
v.
Specialized Loan Servicing, LLC, et al.
Defendant.

Case No.: 1:15−cv−05260
Honorable Virginia M. Kendall

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, February 6, 2017:

MINUTE entry before the Honorable Virginia M. Kendall. After reviewing the parties' position papers, the stay in this matter shall be extended until a final judgment is rendered in the underlying foreclosure action. The Court has already determined that abstention under Colorado River is appropriate. (See Dkt. [50].) Although the Supreme Court left both dismissal and a stay as options when the Colorado River doctrine applies, the Seventh Court has concluded that staying the federal proceeding rather than dismissing them is appropriate because the federal forum should be available to the plaintiff in case the state court action does not adequately adjudicate all of the relevant issues. See Selmon v. Portsmouth Drive Condominium Ass'n, 89 F.3d 406, 409 (7th Cir. 1996); see also Freed v. J.P. Morgan Chase Bank, N.A., 756 F.3d 1013, 1023 (7th Cir. 2014) ("Here, [Defendant]'s substantial rights are protected by granting a stay because it allows him the possibility to revive his federal litigation... in the unlikely event that the state court action is inadequate."); CIGNA HealthCare of St. Louis, Inc. v. Kaiser, 294 F.3d 849, 851 (7th Cir. 2002) (dismissing instead of staying a case would be "illogical"); Lumen Const., Inc. v. Brant Const. Co., 780 F.2d 691, 698 (7th Cir. 1985) ("This Court, however, has consistently held that the proper procedure is to stay. A dismissal, even without prejudice, creates a risk that the federal plaintiff will be time−barred from reinstating his federal suit if the state proceeding does not result in a final decision on the merits."). Here, extending the stay instead of dismissing the action is appropriate under Colorado River, as it is not guaranteed that the foreclosure action will resolve all of the claims presently before this Court and extending the stay will ensure that those claims will receive a consideration on the merits. Furthermore, Defendants have failed to identify any recent controlling law that would justify dismissal under the Colorado River doctrine. The parties shall file a status report notifying the Court of the conclusion of the foreclosure action within seven days of the final disposition of that case. If the foreclosure action is not finalized beforehand, status hearing set for August 7, 2017 at 9:00 AM.Mailed notice(lk,)

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